

ASSEMBLY BILL

No. 2620

Introduced by Assembly Members Rendon and Levine

February 21, 2014

An act to add Article 7 (commencing with Section 10400) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2620, as introduced, Rendon. State contracts: goods and services.

Existing law sets forth requirements for the acquisition of goods and services by state agencies and sets forth the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies. Specific provisions govern the acquisition of information technology goods and services.

This bill would enact the Transportation Sustainability Procurement Program Act to require the department, in consultation with the California Environmental Protection Agency, to develop a sustainability program for the state's procurement of shipping and transportation services for freight, small package delivery, and other forms of cargo. The act would require a contract entered into by a state agency, as defined, for those services, except as specifically exempted in existing law, to require service providers to report specified information relating to energy use and emissions of greenhouse gases to the agency, using generally accepted reporting protocols adopted by the agency for that purpose. The act would impose requirements on the solicitation for the procurement of services to specify how the bidder will be required to report its energy use and associated emissions of greenhouse gases

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

SECTION 1. The Legislature finds and declares that it is the purpose of this act and the policy of this state to provide the structure and criteria necessary to ensure that the state processes for procuring freight, small package delivery, and other forms of cargo transport and shipping services take into consideration not only cost and quality, but also vendors' commitment to, and execution of, best environmental practices.

Article 7. Transportation Sustainability Procurement Program Act

10401. As used in this article:

(b) “State agency” means a state agency subject to this chapter.

(b) A contract entered into by a state agency for the procurement of services shall require the service provider to report to the California Environmental Protection Agency, using generally accepted reporting protocols adopted by that agency for that purpose:

1 (1) The amount of energy the service provider consumed to
2 provide contracted services to the state and the amount of
3 associated emissions of greenhouse gases, including energy use
4 and greenhouse gases emitted as a result of the service provider's
5 use of electricity in its facilities.

6 (2) The energy use and emissions of greenhouse gases by the
7 service provider's subcontractors in the performance of those
8 services.

9 (c) The solicitation for the procurement of services shall do the
10 following:

11 (1) Specify how the bidder will be required to report its energy
12 use and associated emissions of greenhouse gases under the
13 contract.

14 (2) Require a bidder to disclose in its responses to the solicitation
15 the following information:

16 (A) Use of measures to reduce vehicle engine idling.

17 (B) Use of multimodal transportation, such as rail, trucks, or
18 air transport, and how the use of those types of transportation is
19 anticipated to reduce costs for the state.

20 (C) The extent of the bidder's use of cleaner, less expensive
21 fuels as an alternative to petroleum or the bidder's use of more
22 efficient vehicle propulsion systems.

23 (D) The level of transparency of the service provider's reporting
24 under subdivision (b), and what independent verification and
25 assurance measures exist for this reporting.

26 (E) Use of speed governors on heavy trucks.

27 (F) Use of recyclable packaging.

28 (G) Measures of bidder's network efficiency, including the
29 in-vehicle use of telematics or other related technologies that
30 provide for improved vehicle and network optimization and
31 efficiencies.

32 (H) Bidder's energy intensity per unit of output delivered.

33 (I) How the bidder will advance the environmental goals of the
34 state.

35 (J) Opportunities identified to effectively neutralize the
36 emissions of greenhouse gases reported under subdivision (b).

37 (d) In awarding contracts for services, a state agency, as part of
38 a best value analysis of the responses to a solicitation, as applicable,
39 shall do the following:

1 (1) Give appropriate weight to the disclosures in paragraph (2)
2 of subdivision (c).

3 (2) Give appropriate weight to the price and quality of the
4 services being offered.

5 (e) A state agency may accept from a service provider an
6 optional offer at a reasonable cost of carbon-neutral shipping in
7 which the provider calculates the direct and indirect emissions of
8 greenhouse gases of the provider that are specified under
9 subdivision (b), and obtains independently verified carbon credits
10 to offset those emissions and then retires the carbon credits.

11 (f) The director shall adopt rules to encourage all state agencies
12 to use the least costly level of service or mode of transport, while
13 distinguishing between express or air delivery versus ground
14 delivery, that can achieve ontime delivery for the product being
15 transported and delivered.